

**PATENT**

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant:	RAGER ET AL.	)	
		)	Examiner W. Cumming
Appl. No.	10/717,255	)	
		)	Art Unit 2683
Confirm. No.	7757	)	
		)	Atty. Docket No. CS23709RL
Filed:	19 November 2003	)	
Title:	"Home Network Searching When Roaming In Wireless Communications Networks"		

**PRE-APPEAL BRIEF REVIEW REQUEST**

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

**Reconsideration Request & Claims Pending**

The application stand subject to a final rejection in the Office action mailed on 7 June 2007. Pre-appeal brief review of the claims is requested. A notice of appeal has been filed concurrently. The Claims have not been amended subsequent to the mailing of the final Office action. Claims 3-11, 13, 17-18 and 21-24 were indicated as being allowable. Claims 1-24 are pending.

**Arguments re: Keshavacher**

**Rejection Summary**

Claims 1, 2, 12, 14-16, 19 and 20 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5839069 (Keshavacher).

### Discussion of Claim 1

Regarding Claim 1, Keshavacher fails to disclose or suggest a

... method in a wireless communications device, the method comprising:

operating in a network other than a home network of the wireless communications device;

determining whether to search for the home network of the wireless communications device when not operating in the home network by comparing network record information associated with the network in which the mobile wireless communications device is operating to reference information.

Keshavacher discloses searching for the home network at a rate proportional to the cell selection rate. Determining the rate at which to search for the home network, as taught by Keshavacher, is not the same as "... determining *whether* to search for the home network ..." as recited in Claim 1. Further, there is no disclosure in Keshavacher of determining whether to search for the home network by "... comparing network record information associated with the network in which the mobile wireless communications device is operating to reference information" to determine whether to search for the home network.

In the Decision mailed on 14 March 2007, the Panel re-opened prosecution of the subject application based upon Applicants' argument in the Pre-Appeal Brief Review Request of 13 December 2006 that Claim 1 was patentably distinguished over Keshavacher. Applicants re-assert the

argument above. The Examiner's re-assertion of the rejection of Claim 1 mailed on 19 October 2006 is believed to be improper in light of the Panels Decision to re-open prosecution on 14 March 2007. Claim 1 is thus patentably distinguished over Keshavacher.

#### Discussion of Claim 14

Regarding Claim 14, Keshavacher fails to disclose or suggest a

... method in a mobile wireless communications device, the method comprising:

operating in a network other than a home network of the wireless communications device;

determining whether to search for the home network when operating in the network other than the home network based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating.

Keshavacher discloses searching for the home network at a rate proportional to the cell selection rate. This disclosure in Keshavacher however is not the same as "... determining whether to search for the home network ..." in Claim 14. Further, there is no disclosure in Keshavacher of determining whether to search for the home network "...based on information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating" as in Claim 14. The cell selection rate in Keshavacher is not information used to indicate that the wireless communications device is operating in a network other than the network in which the wireless communications device is operating.

In the Decision mailed on 14 March 2007, the Panel re-opened prosecution of the subject application based upon Applicants' argument in the Pre-Appeal Brief Review Request of 13 December 2006 that Claim 14 was patentably distinguished over Keshavacher. Applicants re-assert the argument above. The Examiner's re-assertion of the rejection of Claim 14 mailed on 19 October 2006 is believed to be improper in light of the Panels Decision to re-open prosecution on 14 March 2007. Claim 14 and the claims that depend therefrom are thus patentably distinguished over Keshavacher.

#### Discussion of Claim 19

Regarding Claim 19, Keshavacher fails to disclose or suggest a

- ...method in a mobile wireless communications device, the method comprising:
  - identifying a network in which the wireless communications device is operating;
  - determining network record information based on the network identified;
  - determining whether to search for a home network when roaming based on search information associated with the network record information identified.

Keshavacher discloses searching for the home network at a rate proportional to the cell selection rate. This disclosure in Keshavacher however is not the same as "... determining whether to search for a home network ..." in Claim 19. There is no disclosure in Keshavacher of determining whether to search for the home network "... based on search information associated with the network record information identified" as in Claim 19. Keshavacher does not disclose or suggest "... determining network record information based on

the network identified" or determining whether to search for a home network when roaming based on "... search information associated with the network record information identified."

In the Decision mailed on 14 March 2007, the Panel re-opened prosecution of the subject application based upon Applicants' argument in the Pre-Appeal Brief Review Request of 13 December 2006 that Claim 19 was patentably distinguished over Keshavacher. Applicants re-assert the argument above. The Examiner's re-assertion of the rejection of Claim 19 mailed on 19 October 2006 is believed to be improper in light of the Panels Decision to re-open prosecution on 14 March 2007. Claim 19 and the claims that depend therefrom are thus patentably distinguished over Keshavacher.

### **Prayer For Relief**

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

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REG. No. 33,477

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